

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANA R. OLIVELLA RIVERA

Plaintiff

v.

POPULAR LEASING AND RENTAL, INC.,
ET AL.

Defendants

* CIVIL NO.: 98-2267 (CC)

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JURY TRIAL DEMANDED

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MOTION TO COMPLY WITH COURT'S ORDER AND OTHER MATTERS

TO THE HONORABLE COURT:

Come now defendants PREFERRED RISK INSURANCE COMPANY (erroneously denominated Puerto Rican American Insurance Company) and BANCO POPULAR DE PUERTYO RICO, and respectfully informs and requests as follows:

1. We have received an order from this Honorable Court requiring the parties to consider consenting to having a Magistrate - Judge preside over the jury trial. The appearing party has no objection to the aforementioned court's proposal.

2. Nevertheless, we respectfully request that this Honorable Court issue an order setting a new pretrial order date, in order to compel the parties to schedule the meeting between attorneys, to fully prepare and file the proposed pretrial order.

3. As to this date, our efforts to contact plaintiff's attorney have been fruitless. We have electronically mailed our part of the proposed pretrial order to him without reply from his

part. Also, we have made several calls to his office's phone number finding that it is out of order. Therefore, due to the lack of communication with attorney Rafael Oliveras, this party is not able to inform is settlement is a possibility at this stage.

4. Finally, this party notifies that has been in conversations with codefendant Popular Leasing counsel considering filing a joint motion for summary judgment, alleging that plaintiff has no cause of action under Consumer Protection Act, Fair Credit Reporting Act or Fair Credit Collection Act. The herein appearing party is requesting the court authorization to file said motion.

I HEREBY CERTIFY that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
Rafael A. Oliveras López de Victoria, Esq., David López Pumarejo, Esq., José R. Díaz Ríos, Esq. and Dagmar Adorno Toro, Esq.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 13th day of January, 2005.

s/ JORGE LOPEZ LOPEZ
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Attorney for defendants Preferred
Risk Insurance Company and Banco
Popular de Puerto Rico
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